

IFW

03500.015877

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

NOBUHIRO IKEDA

Appln. No.: 09/977,701

Filed: October 16, 2001

For: CENTRAL MANAGEMENT
SYSTEM FOR PERIPHERAL
APPARATUS

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:
) Examiner: Dionne Harvey

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:
) Group Art Unit: 2643

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)
:
) August 25, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON NON-RECEIPT OF OFFICE ACTION

Sir:

This is a Petition under 37 C.F.R. § 1.181 to withdraw a holding of abandonment in the subject application. While it is believed that no fee is necessary for this Petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 06-1205.

On August 8, 2005, the undersigned received a telephone message from Examiner Dionne Harvey inquiring whether Petitioner intended to abandon the above-identified application, since a response to the Office Action that was mailed on December 15, 2004, was never received. The undersigned telephoned Examiner Harvey on August 8, 2005, and left messages informing her that Petitioner never intended to abandon the

application and that a cursory review of the case file revealed that Petitioner never received the Office Action.

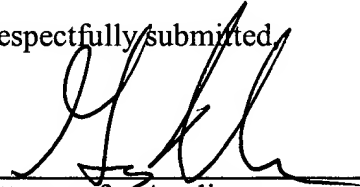
A search of the file jacket and docket records was then undertaken, which confirmed that Petitioner never received the Office Action. The undersigned informed Examiner Harvey of the search results. The Examiner indicated that the address on the Office Action appeared correct, and that there was no indication the Office Action was returned as undeliverable. Therefore, the Examiner suggested that the undersigned file this petition to withdraw the abandonment of this case.

In support of the Petition, the undersigned hereby states that the December 15, 2004 Office Action was not received, and that a search of the file jacket of the above-identified case and of the docket record indicates that the Office Action was not received. In addition, transmitted herewith is a Declaration of Mark Chanderdatt, the docketing supervisor of the law firm of Fitzpatrick, Cella, Harper, and Scinto, with copies of the Firm's docket record attached as Exhibit A. The docket record shows responses due on March 15, 2005, and indicates that no response was due on that date for Application No. 09/977,701, which would correspond to an Office Action with a mailing date of December 15, 2004. Portions of the serial numbers listed in the docket record have been redacted to maintain confidentiality; however, the last few numbers of each serial number remain visible and are circled for easy comparison with the subject application number.

Pursuant to the decision in *Delgar v. Schulyer*, 172 U.S.P.Q. 513 (D.D.C. 1971), as modified by MPEP § 711.03(c) (see page 700-162), Petitioners hereby petition under 37 C.F.R. § 1.181 to revive the subject application and respectfully request a new Office Action be mailed which sets a new period for response that commences from the date on which the new Office Action is mailed.

Petitioner's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant
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